



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Sixty-fourth session**

Summary record of the 1408th meeting

Held at the Palais des Nations, Geneva, on Thursday, 7 July 2016, at 3 p.m.

Chair: Ms. Hayashi

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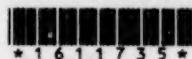
Combined fourth and fifth periodic reports of Myanmar (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

*Combined fourth and fifth periodic reports of Myanmar (continued)
(CEDAW/C/MMR/4-5, CEDAW/C/MMR/Q/4-5 and Add.1)*

1. *At the invitation of the Chair, the delegation of Myanmar took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Naw Hla Hla Soe** (Myanmar), responding to questions put by Committee members at the previous meeting, said that Myanmar had reached a number of historic milestones in relation to women's participation in political life. For the second term of the Assembly of the Union, 151 women parliamentarians had been elected, which represented a threefold increase over the previous elections, and since the new Government had come to power, the first female state counsellor, the first female chief minister and the first female state speaker had taken up their posts. At the grass-roots level, there were currently 76 female village tract/ward administrators, as compared to 42 in 2015.

3. Women's representation at the international level had become more visible, given that, in addition to serving as State Counsellor, Aung San Sui Kyi concurrently served as Minister for Foreign Affairs and Minister for President's Office. The percentage of women in the Ministry of Foreign Affairs currently stood at 53 per cent, and women occupied 10 per cent of ambassador, director general and deputy director general posts.

4. **Ms. Lynn Malar Lwin** (Myanmar) said that the 1982 Citizenship Law reflected the unique characteristics of Myanmar, including its geographical location and colonial background. A debate on the Law had taken place during the first term of parliament. Anyone who wished to apply for citizenship could do so. The pilot project that had been launched in several townships in 2014 had resulted in the grant of citizenship to over 9,100 applicants. The new Government had introduced a citizenship verification process that relied on voluntary participation in three townships, and had received more than 1,000 applications.

5. **Ms. San San Aye** (Myanmar) said that Myanmar had set the goal of registering in the next year the births of an additional 1 million children in the seven states, including Rakhine State, and in Nay Pyi Union Territory, and to achieving the universal registration of vital statistics by 2024.

6. **Ms. Jahan**, inviting the delegation to elaborate on birth registration procedures in Rakhine State, including procedures for Rohingya children and children in camps for internally displaced persons, said that she would like to know the rationale behind a new requirement to add newborn babies to official household statistics, which was a cumbersome requirement for many female-headed and poor households whose members struggled with literacy. Since that requirement had the potential to render children stateless, deprive them of birth registration or restrict their access to educational and health services, she asked whether consideration could be given to rescinding it.

7. **Ms. San San Aye** (Myanmar) said that in the northern, remote area of Rakhine State, midwives were in charge of birth registration.

8. **Mr. Maung Wai** (Myanmar) said that the Government would transmit information concerning the rationale behind the new requirement to register newborns to the Committee within the next 48 hours.

Articles 10 to 14

9. **Ms. Bailey**, referring to the fact that effective implementation of the National Education Law and the 2015 amendment thereto would require a coordinated multisectoral approach, asked whether a clear implementation strategy had been developed and whether a monitoring body had been established to ensure accountability for its outcomes. The delegation should explain how the Long-Term Education Development Plan, the National Education Strategic Plan 2016-2021 and the National Strategic Plan for the Advancement of Women 2013-2022 were integrated in order to ensure cost-effectiveness; how they were evaluated; and whether a gender perspective had been incorporated into their development and implementation. She also wished to know whether the projects supported by international funding agencies that were intended to ensure equitable access to quality education, particularly in 34 disadvantaged townships, had been integrated into the National Education Strategic Plan and whether gender-awareness training had been built into those projects.

10. Noting that the courses offered as part of efforts to increase vocational education opportunities for women in rural and border areas were in traditionally feminine areas, which reinforced rather than challenged traditional gender stereotypes regarding the role of women, she asked whether consideration could be given to expanding those courses to less traditionally feminine areas, thereby increasing income-generating options for women, and whether those initiatives were part of the National Strategic Plan for the Advancement of Women for the period 2013-2022. She was concerned by figures suggesting that children with special needs were underserved by education and asked whether any provisions for such students, particularly girls, would be included in the National Education Strategic Plan for the period 2016-2021.

11. **Mr. Bruun** asked whether the Government systematically collected and could provide detailed information on women's employment in both the formal and informal sectors, as well as data disaggregated by sex on unemployment, wages and entrepreneurship. He would like to know whether the Settlement of Labour Dispute Law of 2012, the Social Security Law of 2012 and the Minimum Wage Law of 2013 guaranteed women equal access to employment, full compliance with the principle of equal pay for work of equal value in the public and private sectors, and protection from sexual harassment. Given the statement in the periodic report that some job positions were suitable for men only, the delegation should explain how the Government ensured that policy was not discriminatory.

12. He would appreciate information indicating how the 276 complaints lodged by female employees had been resolved and whether they had led to any further action. He also wished to know whether the Social Security Law provided for maternity leave for female workers in both the formal and informal sectors.

13. He asked whether the State party had ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). If not, he urged it to request technical assistance from ILO in order to ratify those conventions, since they would also help the State party to meet its obligations under article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. He also urged the State party to ratify the ILO Domestic Workers Convention, 2011 (No. 189), which would improve the situation of both domestic workers in Myanmar and those who left Myanmar to work abroad.

14. **Ms. Jahan** asked whether recently adopted health-related laws, policies and plans had been allocated the human and financial resources needed for their proper implementation. She was concerned that the low level of investment in the health sector, expressed as a percentage of gross domestic product, meant that quality health care was

inaccessible to a large segment of the population, especially women in rural areas. Her concerns were heightened by the lack of infrastructure in rural and conflict-affected areas, in particular in the northern part of Rakhine State, as well as in camps for internally displaced persons. She asked whether the new Government planned to increase budgetary allocations to the health sector and develop a gender-sensitive national health-care system that was non-discriminatory, affordable and of good quality. What specific areas would it emphasize with regard to rural and minority women, especially those belonging to the Muslim Rohingya population?

15. She was alarmed at the adoption of a number of laws, the most recent of which was the Population Control Health-Care Law, which were discriminatory towards women, in that they provided no protection against the use of forced contraception, forced abortion or forced sterilization. She was also alarmed at the alleged targeting of marginalized and minority groups, one example of which was a local order that prohibited Rohingya couples from having more than two children. That provision not only violated their human rights but could lead to female infanticide and sex-selective abortion, given the culturally dominant attitude of son preference. She asked whether the State party envisaged rescinding those orders.

16. Maternal mortality was still high in the country. For Rohingya women, it was nearly double the national average, owing particularly to clandestine and unsafe abortion procedures. She asked whether there were plans to amend the abortion law or the Criminal Code in order to make abortion available in cases of pregnancy arising out of rape or incest, or in cases of serious fetal abnormality, and invited the delegation to explain why those options were referred to in the bill on the prevention of violence against women. She further enquired whether education in sexual and reproductive health and rights was a compulsory subject in all secondary schools.

17. **Ms. Lynn Malar Lwin** (Myanmar) said that, under the Minimum Wage Law, all workers, without distinction between men and women, were entitled to receive the established minimum wage. Following tripartite consultations between workers, employers and governmental authorities in September 2015, the minimum wage had been set at 3,600 kyats. Businesses that employed fewer than 15 workers and informal sector family businesses were not required to apply the minimum wage.

18. According to the Factory Act 1951, in Government factories, female workers were not allowed to handle weaving or spinning machines or lift heavy loads. Section 350 of the Constitution stipulated that women were entitled to the same rights and salaries as those granted to men in respect of similar work.

19. **Ms. San San Aye** (Myanmar) said that, following the 2015 amendment of the National Education Law, various related bills, such as the basic education bill, the higher education bill and the private education bill, were now being drafted. Under the National Education Strategic Plan, which was a road map for implementation of the amendments to the National Education Law, the Ministry of Education had conducted a comprehensive education sector review. With technical support from the United Nations Children's Fund (UNICEF), gender mainstreaming had been strengthened in the drafting of the Plan and the Plan's interrelationship with the National Strategic Plan for the Advancement of Women had been given due consideration. As a result, curriculum development teams set up by the Ministry were now in the process of reviewing the content of old and new textbooks from the gender perspective.

20. The Early Childhood Care and Development Policy, which was implemented by the Ministry of Social Welfare, Relief and Resettlement in conjunction with the Ministry of Education, provided for the early detection of disability, the expansion of services for children with special needs and the inclusion of children with minor disabilities in

mainstream education. The Department of Social Welfare ran a special school for hearing and sight-impaired persons, and another for persons with disabilities, but such services could not be made available at the grass-roots level nationwide. However, training for persons caring for special-needs children was available at the community level in implementation of the Ministry's 100-day plan.

21. **Ms. Naw Tha Wah** (Myanmar) said that sexual harassment in the workplace was prohibited in a section of the bill on the prevention of violence against women.

22. **Ms. Lynn Malar Lwin** (Myanmar) said that legislation on population control was solely applicable when an area was designated as needing such measures. The purpose of the Population Control Health-Care Law, which was of voluntary application and entailed no penalties, was to offer medical assistance and to educate the public on contraceptive methods.

23. **Ms. San San Aye** (Myanmar), acknowledging that, despite increases, the health budget still fell short of the required percentage of gross domestic product and that the quality of services provided was inadequate, said that the cost of health care was high. However, a significant portion of the health budget was devoted to maternal health care, including contraceptives and maternal medicines for women, and the Ministry of Health and Sports had been working with United Nations agencies, NGOs and local agencies to endeavour to provide adequate health assistance to Muslim women.

24. **Ms. Lynn Malar Lwin** (Myanmar), replying to Mr. Bruun's question about the ratification of labour-related conventions, said that the Ministry of Labour was working with ILO to review the State's adherence to all ILO conventions.

25. **The Chair** said that the delegation should provide an answer in writing to the question on sexual education within 48 hours.

26. **Ms. Zou Xiaojiao** asked how the Long-Term Education Plan guaranteed equal access to education for boys and girls given that, according to reports, girls were required to obtain higher marks than boys in order to pursue subjects such as medicine, engineering and biology. What measures had the State party adopted and what measures were envisaged to eliminate discrimination against girls in education? She would also like to know how the Education Plan addressed problems such as gender stereotyping in school curricula.

27. **Ms. Jahan** said that the State party had not informed the Committee of its position on abortion. She would like more information about access to health services and urgent care in rural areas, especially for Muslim women whose freedom of movement was often limited, and about the action being taken to remove restrictions on access to medical care for women and girls in general. Information would also be appreciated on the new medical reference system; on women sex workers with HIV/AIDS; on the impact of drug use on girls and women; and on the health of older women and women with disabilities.

28. **Mr. Maung Wai** (Myanmar) said he wished to emphasize that discrimination against minorities in the provision of basic services simply did not exist. For Myanmar, discrimination of that kind was unthinkable. He had heard such allegations and exaggerations in the media but the State party promoted the concept of loving kindness for everyone. It was important to remember that Myanmar was still a least developed country and could not provide the same level of services as Thailand or Viet Nam, for example. However, the services it provided were the same in all parts of the country, whether in Rakhine State or elsewhere.

29. Access to health and education had improved in Rakhine State. Almost 2,000 young persons from the temporary shelters had enrolled in school in the previous year, over 40 young Muslims were now attending college, and 1 was in medical school. In addition to the

six medical clinics that served the shelters, there were 32 mobile medical teams and a hospital could be reached within a few hours from any part of the State.

30. **Ms. San San Aye** (Myanmar) said that at present abortion was permitted under the Myanmar Penal Code only when the mother's health was at risk but that the law should be amended to include women who had been raped and those with fetal abnormalities. Post-rape care, including emergency contraception, was provided to victims, and post-rape kits were supplied in disaster-prone areas.

31. The Government of Myanmar was strongly committed to eliminating HIV/AIDS by 2030 and was endeavouring to remove obstacles to medical care for infected persons, reduce the stigma associated with the illness, and prevent mother-to-child transmission. Midwives were permitted to conduct HIV screening tests and, in 2015, 75 per cent of women needing antiretroviral treatment had received it.

32. The requirement for girls to obtain higher marks than boys in order to pursue a medical career had been lifted.

Articles 13 and 14

33. **Ms. Zou Xiaoqiao**, noting that the State party's report indicated that customs and traditions affected women's right to social life and economic resources, said that more information was needed about the ways in which tradition prevented equal access to family benefits, and about the measures adopted by the Government to end discrimination against women in economic and social life in general. She would also like to know whether there were plans to extend social security coverage to women in the informal sector and to men belonging to vulnerable groups, and whether the different impacts of the Social Security Law on women and men had been evaluated.

34. She inquired whether a gender perspective had been integrated into the "8 Tasks of Rural Development and Poverty Alleviation" Programme; to what extent women were involved in the programme; what portion of the budget was devoted to it; and how its efficacy was monitored. She would also like to know whether programmes had been established to promote female entrepreneurship and empowerment, especially in rural areas and including through access to credit and loans.

35. **Ms. Acosta Vargas**, drawing the State party's attention to the new general comment No. 34 on the rights of rural women, said that internal conflicts and the continuing military presence in rural areas were having a significant impact on women, particularly since acts of violence committed against them by members of the military were often kept silent for fear of reprisals. She would like to know how the zero-tolerance policy against sexual misconduct by military personnel was applied in rural areas; what measures were in place to protect women from acts of sexual violence; where women could lodge complaints; how many acts of aggression had been reported; and how many persons had been prosecuted for such acts. She would also like to know whether rural women had the opportunity to participate in peace processes, and, if so, within what framework; and whether compensation was paid to women who had been displaced from their lands.

36. **Ms. Haidar** said that, in the light of the United Nations High Commissioner for Human Rights' recent report to the Human Rights Council, which highlighted the systematic and systemic discrimination and policies of exclusion and marginalization in Myanmar, the human rights situation of Rohingya Muslims and other minorities remained of utmost concern to the Committee. The peace negotiation and reconciliation process would, however, be an opportunity for the Government to fulfil its human rights responsibilities to all persons under its jurisdiction. In that connection, she asked what action the Government was taking to investigate all past and recent human rights violations and abuses in a prompt, thorough, impartial and independent manner; how it planned to

ensure the smooth transition from decades of military rule to a civilian Government, particularly since reports suggested that the police and local authorities were still under military control; what measures were envisaged to break the cycle of impunity and promote accountability in the interests of justice, reconciliation and the protection of the human rights of all people in Myanmar; and whether it intended to put an end to discriminatory policies and practices and repeal discriminatory laws, especially with regard to promoting democratic process and the rule of law.

37. Despite the information provided by the State party in its responses to the list of issues (CEDAW/C/MMR/Q/4-5/Add.1), the Committee still had concerns about the recently enacted laws on the protection of race and religion. Several international bodies had found those laws — which related to population control, marriages for Buddhist women, religious conversion and monogamy — to be in contravention of human rights standards as well as the Myanmar Constitution. Since the National League for Democracy, which now had a government majority, had opposed the adoption of those laws, would the Government consider amending or repealing them and, if so, when?

38. Lastly, she would be interested to know what measures had been put in place or were envisaged to protect women human rights defenders and the rights of peaceful protesters.

39. **Ms. Naw Hla Hla Soe** (Myanmar) said that women enjoyed full and equal rights to earn a livelihood and participate in the economy without discrimination. By way of example, women had been granted 44 per cent of all import and export licence applications issued by the Department of Trade in the first half of 2016 and a microfinance project aimed primarily at women heads of household had to date benefited some 2.8 million people, 98 per cent of whom were women. There was, however, a need to strengthen the capacities of women in the areas of economic and political leadership, and Myanmar was committed to that endeavour.

40. **Mr. Min Kyaw Thu** (Myanmar) said that the procedure for investigating and prosecuting military personnel accused of rape or sexual violence against women was summarized in paragraphs 34 and 35 of the responses to the list of issues. Citizens also had the option of submitting complaints of human rights violations, including sexual violence, to the Myanmar National Human Rights Commission, besides reporting them to the media.

41. **Ms. Naw Tha Wah** (Myanmar) said that the World Bank had provided additional funding to extend the Community Driven Development Project, which was to be expanded from 15 to 63 townships, in order to provide impoverished rural populations with access to infrastructure and services, enhance capacity-building for rural people and improve the Government's emergency response mechanisms. A key aim of the project being to promote women's participation, women were represented on all project committees and a gender perspective was incorporated into all individual village-level projects.

42. The Ministry of Border Affairs' 41 vocational schools provided training for women that enabled them to acquire the skills necessary to launch their own businesses. Since 1991, more than 61,000 women had received such training, and more than 19,000 of them were now self-employed.

43. **Ms. Lynn Malar Lwin** (Myanmar), referring to article 354 of the Myanmar Constitution on freedom of expression, culture, religion and customs, said that the different religious groups followed their own customary marriage and succession laws. The Government's view was that the four laws on the protection of race and religion did not contravene international laws. The special marriage law for Buddhist women, for example, regulated the marriage of Buddhist women to non-Buddhist men and its purpose was to prevent the forced religious conversion of those women. The law on religious conversion was also designed to prevent forced conversions; penalties were applied only to those

persons found to have converted another person against their will. The law on monogamy was simply intended to encourage married couples to practice monogamy.

44. **Mr. Min Kyaw Thu** (Myanmar) said that the Government was committed to resolving the issues surrounding landownership. A committee had been set up to review land acquisitions and appropriations, while the hardships caused to landholders as a result of land confiscations were being investigated by a parliamentary commission. In a similar vein, some 120,000 acres of land had already been returned to the rightful owners, and Farmland Use Certificates had been issued to 95 per cent of farmers to facilitate right of ownership and access to mortgages and other such services. Lastly, the national land-use policy was in the final stage of drafting and would pave the way to the enactment of a comprehensive national land law.

Articles 15 and 16

45. **Ms. Nadaraia** asked what steps had been taken or were envisaged by the State party to harmonize its civil, religious and customary law with the Myanmar Constitution and with article 16 of the Convention. Similarly, she wondered what measures had been adopted to complete the country's legal reforms in the area of marriage and family relations and thus bring the legislative framework into compliance with articles 15 and 16 of the Convention. She asked how the special marriage law for Buddhist women, which exclusively regulated the marriage of Buddhist women to non-Buddhist men, guaranteed all women the right to choose a partner and freely enter into marriage; whether any research had been conducted into marriage, its dissolution and family relations in general, and, if so, whether any remedial measures had been adopted as a result; what the purpose of the recently adopted monogamy law was, given that polygamy was defined and criminalized in the Penal Code; and how the authorities ensured that the provisions on adultery were not applied in a manner discriminatory to women. Lastly, she would be interested to know what action had been taken to lift the orders concerning marriage authorization and restrictions on pregnancies and reproductive rights for Muslim women in Rakhine State.

46. **Mr. Ko Ko Shein** (Myanmar) said that every effort had been made to align the four race and religions laws with the Convention. Naturally, the Committee's concerns would be conveyed to the Government.

47. **Ms. Haidar** said that she wished to reiterate that, despite the delegation's assertions to the contrary, those laws had been found to be incompatible with international human rights standards by several international agencies, including UN-Women. She urged the State party to consider the reports of those bodies and take steps to amend, and in some cases repeal, the laws in question. Lastly, she noted that she had not yet received a reply to her question regarding the national peace and reconciliation process and emphasized that it was a matter about which the Committee would be very interested to hear more.

48. **Ms. Acosta Vargas**, returning to the issue of land confiscations, said that she wished to know whether measures would be taken to raise awareness of women's rights to landownership under the Farmland Law of 2012. In that connection, she wondered whether the title deeds for land belonging to a married couple could include the woman's name alongside her husband's. Lastly, she asked whether women rural workers were covered by the minimum salary requirements set by law and whether they had access to the social security system.

49. **Mr. Ko Ko Shein** (Myanmar) said that peace and reconciliation was of the utmost importance to the Government in Myanmar. The peace negotiation and reconciliation process had not yet been finalized; it was critical that the concerns of all the ethnic groups involved be first taken into account. The issues raised by the Committee would, however, be duly noted and conveyed to the Government.

50. **Mr. Maung Wai** (Myanmar) said that the dialogue with the Committee had presented an important opportunity to demonstrate the progress so far made in Myanmar in terms of promoting and protecting women's rights. Moreover, the important questions and insightful observations of the Committee members had served to underscore the areas in which the country needed to do more. The Government was committed to addressing the concerns raised by the Committee and looked forward to receiving its forthcoming concluding observations.

The meeting rose at 5.05 p.m.